



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
April 2, 2001**

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The meeting was called to order at 9:15 a.m., with all Members being present, with the exception of Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, and Supervisor Hyland, and with Chairman Hanley presiding.

Supervisor Hudgins and Supervisor Kauffman arrived at 9:45 a.m.

Supervisor McConnell arrived at 10:15 a.m.

Supervisor Hyland was absent for the entire meeting.

Others present were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Christina M. Manning, Assistant to the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Deputy Clerk to the Board of Supervisors.

BOARD MATTERS

1. **LATE ARRIVALS AND ABSENCE OF BOARD MEMBERS** (Tape 1)

Chairman Hanley announced that Supervisor Hyland would be absent from the entire meeting and Supervisor McConnell would arrive later. Supervisor Hudgins and Supervisor Kauffman were still participating in the rollout of Fairfax County's new e-affordable.fairfax housing initiative, which addresses the affordable housing issues faced by those living and working in the County. Supervisor Connolly offered commendations to Supervisor Hudgins and Supervisor Kauffman for their efforts and work with this initiative.

(NOTE: Later in the meeting, this housing initiative was discussed. See Clerk's Summary Item CL#6.)

AGENDA ITEMS**2. CERTIFICATE OF RECOGNITION PRESENTED TO MADEIRA SCHOOL GIRLS' SWIM AND DIVE TEAM** (Tape 1)

Supervisor Mendelsohn moved approval of the Certificate of Recognition presented to Madeira School Girls' Swim and Dive Team for winning the Virginia State Independent Schools Championship. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Hudgins, Supervisor Kauffman, and Supervisor McConnell being out of the room, Supervisor Hyland being absent.

3. CERTIFICATES OF RECOGNITION PRESENTED TO MS. M.K. JENNINGS AND MS. KAY LAUREN MILLER (Tape 1)

Chairman Hanley relinquished the Chair to Acting-Chairman Bulova and moved approval of the Certificates of Recognition presented to Ms. M.K. Jennings and Ms. Kay Lauren Miller for receiving a national Prudential Spirit of Community Award for student volunteers. Supervisor Connolly seconded the motion and it carried by a vote of six, Supervisor Hudgins, Supervisor Kauffman, and Supervisor McConnell being out of the room, Supervisor Hyland being absent.

4. PROCLAMATION TO DESIGNATE APRIL 24, 2001, AS "FAIRFAX COUNTY VOLUNTEER RECOGNITION DAY" IN FAIRFAX COUNTY (Tape 1)

(NOTE: Earlier in the meeting, this item was discussed. See Clerk's Summary Item CL#3.)

Chairman Hanley moved approval of the Proclamation designating April 24, 2001, as "*Fairfax County Volunteer Recognition Day*" in Fairfax County. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hyland being absent.

5. PROCLAMATION TO DECLARE APRIL 2001 AS "CHILD ABUSE PREVENTION MONTH" IN FAIRFAX COUNTY (Tape 1)

Chairman Hanley moved approval of the Proclamation declaring April 2001 as "*Child Abuse Prevention Month*" in Fairfax County. Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Frey and Supervisor McConnell being out of the room, Supervisor Hyland being absent.

6. **PROCLAMATION TO PROCLAIM APRIL AS "FAIR HOUSING MONTH" IN FAIRFAX COUNTY** (Tape 1)

(NOTE: Earlier in the meeting, this item was discussed. See Clerk's Summary Item CL#1.)

Chairman Hanley moved approval of the Proclamation proclaiming April as "*Fair Housing Month*" in Fairfax County. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor McConnell, and Supervisor Mendelsohn being out of the room, Supervisor Hyland being absent.

Supervisor Connolly thanked and congratulated Supervisor Hudgins and Supervisor Kauffman for their leadership and efforts in the creation of the County's new e-affordable.fairfax housing initiative.

7. **PROCLAMATION TO DECLARE APRIL 2 - 8, 2001, AS "PUBLIC HEALTH WEEK" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley moved approval of the Proclamation declaring April 2 - 8, 2001, as "*Public Health Week*" in Fairfax County. Supervisor Connolly seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor McConnell, and Supervisor Mendelsohn being out of the room, Supervisor Hyland being absent.

Acting-Chairman Bulova returned the gavel to Chairman Hanley.

8. **PROCLAMATION TO PROCLAIM APRIL 15 - 21, 2001, AS "ORGAN AND TISSUE DONATION AWARENESS WEEK" IN FAIRFAX COUNTY** (Tape 1)

Supervisor Gross moved approval of the Proclamation proclaiming April 15 - 21, 2001, as "*Organ and Tissue Donation Awareness Week*" in Fairfax County. Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hyland being absent.

Supervisor Connolly asked unanimous consent that the Board direct the County Executive to report with his analysis regarding the delay in implementing the link with the County Health Department's website, which will provide people with an electronic method of signing up for organ and tissue donations. Without objection, it was so ordered.

Further discussion ensued.

9. **PROCLAMATION TO DECLARE APRIL 8 - 14, 2001, AS "BUILDING SAFETY WEEK" IN FAIRFAX COUNTY AND INFORMATION ITEM I-6 - INTERNATIONAL BUILDING SAFETY WEEK** (Tape 2)

The Board next considered an item contained in the Memorandum to the Board dated April 2, 2001, announcing that in observance of International Building Safety Week, April 8-14, 2001, the Department of Public Works and Environmental Services (DPWES) will conduct a campaign to promote public awareness of building safety in Fairfax County.

Supervisor Frey moved approval of the Proclamation proclaiming April 8 - 14, 2001, as "*Building Safety Week*" in Fairfax County. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

Paul Lynch, Director, Residential Inspections Division, Office of Building Code Services, DPWES, presented the Building Safety Community Partnership Award to David Conover, CEO, National Evaluation Services.

DAM:dam

10. **ADMINISTRATIVE ITEMS** (Tape 3)

Supervisor Connolly moved approval of the Administrative Items. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

Chairman Hanley called the Board's attention to Admin 11 – Authorization for the Fairfax County Police Department to Submit a Grant Application to the Virginia Department of Motor Vehicles for a Traffic Safety Watch Program and noted the chart of traffic accidents during the year 2000.

ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE AND HUNTER MILL DISTRICTS)

(R) Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Spring Hill Road Property	Dranesville	Chadsworth Court Spring Hill Road Route 684 Addl ROW Only
Reston, Section 49 Blocks 7 and 8	Hunter Mill	Walnut Branch Road Route 7412

ADMIN 2 – EXTENSION OF REVIEW PERIODS FOR PUBLIC FACILITY 2232 REVIEW APPLICATIONS (MOUNT VERNON, SPRINGFIELD AND SULLY DISTRICTS)

Authorized the extension of review periods for the following Public Facility (2232) Review Applications to the dates noted:

- Application FS-V01-3 to June 3, 2001
- Application FS-S01-4 to June 23, 2001
- Application 2232-Y01-2 to July 9, 2001
- Application 2232-P01-5 to July 23, 2001
- Application 2232-S01-6 to October 22, 2001
- Application FS-Y01-11 to October 22, 2001

ADMIN 3 – INSTALLATION OF MULTI-WAY STOPS AT HIGHAM DRIVE AND KATHMOOR DRIVE (LEE DISTRICT)

- Endorsed the installation of a multi-way stop at the following location:
 - Higham Drive and Kathmoor Drive (Lee District)
- Directed staff to request the Virginia Department of Transportation to install this sign at the earliest possible date.

ADMIN 4 – INSTALLATION OF "WATCH FOR CHILDREN" SIGNS AT VARIOUS LOCATIONS (BRADDOCK AND SULLY DISTRICTS)

(R)

- Adopted the Resolution endorsing the installation of "Watch for Children" signs on the following residential streets:
 - Woodland Drive at Braddock Road (Braddock District)
 - Woodland Drive at Backlick Road (Braddock District)
 - Larrlyn Drive at Backlick Road (Braddock District)

- Arrowhead Park Drive at Maple Creek Lane (Sully District)
- Directed staff to request the Virginia Department of Transportation install these signs at the earliest possible date.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO ABANDON LONG PLACE (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 30, 2001, at 4:30 p.m.** to consider the abandonment of Long Place.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO SECTIONS 2 OF THE PUBLIC FACILITIES MANUAL (PFM) REGARDING CORPORATE SURETY BONDS

- (A) Authorized the advertisement of a public hearing to be held before the Planning Commission on May 2, 2001, and before the Board on **May 22, 2001**, on proposed amendments to Section 2 of the PFM regarding corporate surety bonds.

ADMIN 7 – AUTHORIZATION FOR COURT SERVICES DIVISION OF THE GENERAL DISTRICT COURT TO APPLY FOR GRANT FUNDS FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES FOR FISCAL YEAR (FY) 2002 GRANT FUNDING UNDER THE COMPREHENSIVE COMMUNITY CORRECTIONS ACT (CCCA) AND THE PRETRIAL SERVICES ACT (PSA)

Approved Court Services Division of the General District Court's application for \$570,451 in State CCCA and PSA funds. No local cash match is required.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED APPROVAL OF REPLACEMENT PROMISSORY NOTES TO BE ISSUED BY THE LORTON VOLUNTEER FIRE DEPARTMENT (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 30, 2001, at 4 p.m.** regarding Board approval, for federal tax purposes, of the issuance and/or incurrence by the Lorton Volunteer Fire Department, of its tax exempt Replacement Promissory Notes.

ADMIN 9 – AUTHORIZATION FOR DEPARTMENT OF FAMILY SERVICES (DFS) TO SUBMIT A GRANT APPLICATION FOR FOSTER/ADOPTIVE PARENT RECRUITMENT, TRAINING, AND RETENTION

Approved DFS's grant application in the amount of \$329,532 to the Virginia Department of Social Services for recruitment, training and retention activities for foster and adoptive families. A 25 percent local cash match requirement in the amount of \$82,383 will be met through funds held in Fund 102, in the Fiscal Year 2002 local cash match reserves for anticipated grant awards.

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES) REGARDING PORTABILITY OF PENSION BENEFITS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 7, 2001, at 4 p.m.** regarding proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees) regarding portability of pension benefits.

ADMIN 11 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO SUBMIT A GRANT APPLICATION TO THE VIRGINIA DEPARTMENT OF MOTOR VEHICLES (DMV) FOR A TRAFFIC SAFETY WATCH PROGRAM

(NOTE: Earlier in the meeting the Board mentioned this item. See page 4.)

Authorized the FCPD to apply to the Virginia DMV for a grant in the amount of \$57,000 to continue funding the Traffic Safety Watch Program. A local in-kind match requirement will be satisfied through administration, training, and routine enforcement activities. No additional County funding will be required.

ADMIN 12 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO SUBMIT A GRANT APPLICATION TO THE VIRGINIA DEPARTMENT OF MOTOR VEHICLES (DMV) FOR A "CLICK IT OR TICKET" ENFORCEMENT PROGRAM

Authorized the FCPD to apply to the Virginia DMV for a grant in the amount of \$65,000 to start a "Click it or Ticket" Enforcement Program. A local in-kind match requirement will be satisfied through administration, training, and routine enforcement activities. No additional County funding will be required.

ADMIN 13 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO SUBMIT AN APPLICATION TO THE VIRGINIA DEPARTMENT OF MOTOR VEHICLES (DMV) FOR A SMOOTH OPERATOR ENFORCEMENT/EDUCATION PROGRAM GRANT

Authorized the FCPD to apply to the Virginia DMV for a grant in the amount of \$81,000 to continue the Smooth Operator Enforcement/Education Program. A local in-kind match requirement will be satisfied through administration, training, and routine enforcement activities. No additional County funding will be required.

ADMIN 14 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO SUBMIT A GRANT APPLICATION TO THE VIRGINIA DEPARTMENT OF MOTOR VEHICLES FOR THE OPERATION KIDS CHILD PASSENGER SAFETY PROGRAM

Authorized the FCPD to apply to the Virginia DMV for a grant in the amount of \$65,000 to continue funding for the Operation Kids Child Passenger Safety Program. A local in-kind match requirement will be satisfied through administration, training, and routine enforcement activities. No additional County funding will be required.

ADMIN 15 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO SUBMIT A GRANT APPLICATION TO THE VIRGINIA DEPARTMENT OF MOTOR VEHICLES (DMV) FOR A DISTRICT CHALLENGE PROGRAM

Authorized the FCPD to apply to the Virginia DMV for a grant in the amount of \$13,000 for a District Challenge Grant Program. A local in-kind match requirement will be satisfied through administration, training, and routine enforcement activities. No additional County funding will be required.

ADMIN 16 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY TO THE US DEPARTMENT OF JUSTICE (DOJ), OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, FOR A GRANT UNDER THE COPS MORE 2001 PROGRAM

Authorized the FCPD to apply for a COPS MORE grant in the amount of \$969,251 from the US DOJ. A 25 percent local cash match of \$323,083 is required, for a total program cost of \$1,292,334.

11. **A-1 – AUTHORIZATION TO PAY THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY'S (WMATA) FISCAL YEAR (FY) 2001 FOURTH QUARTER BILLING (COUNTYWIDE)**
(Tape 3)

(R) Supervisor Kauffman moved that the Board concur in the recommendation of staff and adopt the Resolution authorizing payment of WMATA's FY 2001 fourth quarter transit operating and capital billing in the amount of \$13,541,372. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Hyland being absent.

12. **A-2 – BUS SERVICE CHANGES FOR FAIRFAX CONNECTOR ROUTES (20A, 20G, 20P, 421, AND 427) SERVING THE FAIRFAX COUNTY GOVERNMENT CENTER AND THE TYSONS CORNER AREA (DRANESVILLE, PROVIDENCE, AND SULLY DISTRICTS)** (Tape 3)

Supervisor Connolly moved that the Board concur in the recommendation of staff and approve the proposed changes to FAIRFAX CONNECTOR Routes 20A, 20G, 20P, 421, and 427. Supervisor Mendelsohn seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

13. **I-1 – PLANNING COMMISSION ACTION ON PUBLIC FACILITY APPLICATION 2232-Y00-37, SPRINT PCS (SULLY DISTRICT)** (Tape 3)

The Board next considered an item contained in the Memorandum to the Board dated April 2, 2001, announcing the Planning Commission's approval of Public Facility Application 2232-Y00-37.

14. **I-2 – CONTRACT AWARD – POHICK INDUSTRIAL PARK DEVELOPER DEFAULT (MOUNT VERNON DISTRICT)** (Tape 3)

The Board next considered an item contained in the Memorandum to the Board dated April 2, 2001, requesting authorization for staff to award a contract to A&M Concrete Corporation in the amount of \$488,588 for the construction of Pohick Industrial Park Developer Default in Project U00006, Developer Default, in Fund 308, Public Works Construction.

Following discussion, Supervisor Frey asked unanimous consent that the Board direct staff to provide an explanation of the expenditures from the Fiscal Year (FY) 2001 Developer Default Fund and of the budget for the FY 2002 Developer Default Fund. Without objection, it was so ordered.

15. **I-3 – CONTRACT AWARD – WIEHLE AVENUE PHASE III (DRANESVILLE DISTRICT)** (Tape 3)

The Board next considered an item contained in the Memorandum to the Board dated April 2, 2001, requesting authorization for staff to:

- Award a contract to A&W Contracting Corporation in the amount of \$3,815,173.50 for the construction of Project 006495B, Wiehle Avenue Phase III, in Fund 304, Primary and Secondary Road Bond Construction.
- Reallocate funds in the amount of \$489,917.70 to Project 006490, Construction Reserve, to fund possible shortfalls in other projects within this fund.

The staff was directed administratively to proceed as proposed.

16. **I-4 – ENGINEERING CONTRACT AWARD - CONSTRUCTION INSPECTION OF A BRIDGE FOR WIEHLE AVENUE OVER SUGARLAND RUN (DRANESVILLE DISTRICT)** (Tape 3)

The Board next considered an item contained in the Memorandum to the Board dated April 2, 2001, requesting authorization for staff to award a contract to Parsons Transportation Group, Incorporated, in the amount of \$152,482 for consulting engineering services for a bridge for Wiehle Avenue, Project 006495, in Fund 304, Primary and Secondary Road Bond Construction.

The staff was directed administratively to proceed as proposed.

17. **I-5 – ENGINEERING CONTRACT AWARD - CONSTRUCTION INSPECTION OF A BRIDGE FOR POHICK ROAD OVER FAIRFAX COUNTY PARKWAY (SPRINGFIELD AND MOUNT VERNON DISTRICTS)** (Tape 3)

The Board next considered an item contained in the Memorandum to the Board dated April 2, 2001, requesting authorization for staff to award a contract to McDonough Bolyard Peck, in the amount of \$156,028.28 for the construction inspection of a bridge for Pohick Road, Project 064147, in Fund 304, Primary and Secondary Road Bond Construction.

The staff was directed administratively to proceed as proposed.

18. **I-6 – INTERNATIONAL BUILDING SAFETY WEEK** (Tape 3)

(NOTE: Earlier in the meeting this item was considered. See Clerk's Summary Item CL#9.)

19. **I-7 – PLANNING COMMISSION ACTION ON PUBLIC FACILITY APPLICATION 2232-V00-36, DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES/DEPARTMENT OF TRANSPORTATION (MOUNT VERNON DISTRICT)** (Tape 3)

The Board next considered an item contained in the Memorandum to the Board dated April 2, 2001, announcing the Planning Commission's approval of Public Facility Application 2232-V00-36.

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ADDITIONAL BOARD MATTERS

20. **SOIL AND WATER STEWARDSHIP WEEK** (Tape 4)

Chairman Hanley said that the Northern Virginia Soil and Water Conservation District (NVSWCD) has requested that Fairfax County join with 46 other Virginia Conservation Districts to recognize Soil and Water Stewardship Week. The theme of this year's celebration is habitat for all living creatures.

Accordingly, Chairman Hanley relinquished the Chair to Acting-Chairman McConnell and moved that the Board direct staff to invite representatives from the NVSWCD and the environmental community to appear before the Board at the April 30, 2001, meeting to receive a proclamation declaring the week of April 29 through May 6, 2001, as "*Soil and Water Stewardship Week*" in Fairfax County. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Connolly being out of the room, Supervisor Hyland being absent.

21. **NATIONAL FOSTER CARE MONTH** (Tape 4)

Chairman Hanley said the month of May is nationally recognized as National Foster Care Month. In conjunction with the national observances, the Fairfax County Foster Care Association has requested that Fairfax County observe May as Foster Care Month.

Therefore, Chairman Hanley moved that the Board direct staff to invite representatives from the foster care community to appear before the Board at the May 7, 2001, meeting to receive a proclamation declaring May as "*Foster Care Month*" in Fairfax County. Supervisor Bulova and Supervisor Hudgins jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

22. **WAIVER OF SPECIAL PERMIT APPLICATION FEE AND DEPOSIT FOR MID-ATLANTIC POLICE MOTORCYCLE RIDING COMMITTEE'S 2001 SAFETY COMPETITION** (Tape 4)

Chairman Hanley said that the Mid-Atlantic Police Motorcycle Riding Committee, Incorporated, contacted her office to request a waiver of the

application fee and deposit for the special permit required to host its 2001 Safety Competition, a charity motorcycle riding event, on September 22, 2001.

Therefore, Chairman Hanley moved that the Board direct staff to waive the required fees and deposit for the special permit. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

23. **MENTAL RETARDATION (MR) WAIVER PROGRAM** (Tape 4)

Chairman Hanley said that the Board sent a letter to Governor Gilmore requesting prompt action by the Commonwealth to resolve a serious situation regarding the lack of funding for the MR Waiver Program. She called the Board's attention to the October 20, 2000, response she received from then Virginia Secretary of Health and Human Services, Claude Allen, stating that a task force was to be convened to study the issue.

Therefore, Chairman Hanley moved that the Board direct the Human Services Council to investigate the progress of the task force, and to provide the Board with information on what has been done to date by the State to address this issue. Supervisor Hudgins and Acting-Chairman McConnell jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

24. **SOLID WASTE STREAM FLOW CONTROL** (Tape 4)

Chairman Hanley said that in 1987 the County entered into a long-term commitment to fund construction of a waste-to-energy facility that would process the County's solid waste stream. She said the Board weighed the available options and chose this technology as the most compatible and sustainable for the County. The commitment to issue revenue bonds for the facility was based upon the flow control law interpretation at the time. Since that decision, the US Supreme Court altered the interpretation of solid waste flow control, and that has significantly affected the community.

Chairman Hanley said as the 107th Session of Congress begins to discuss the merits of flow control, the Board should remind Congressional members that the County strongly urges that legislation be passed that would allow local governments who entered into contracts for waste-to-energy facilities in reliance on flow control authority be allowed to continue to use that authority until the debt service for the respective facilities are retired. She said that in the County's specific case, this will occur in 2011.

Therefore, Chairman Hanley moved that the Board direct staff to send a copy of the drafted letters to the Congressional and Senate delegations, to again remind them of the County's interest in this issue. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

25. **CONFIRMATIONS AND APPOINTMENT TO THE 2001 CITIZENS ADVISORY COMMITTEE ON THE REAPPORTIONMENT OF FAIRFAX COUNTY** (Tape 4)

(APPTS) Chairman Hanley moved the confirmation of the following appointments to the 2001 Citizens Advisory Committee on the Reapportionment of Fairfax County:

- Ms. Sally B. Ormsby as the League of Women Voter's Representative
- Ms. Carol Steere as the League of Women Voter's (Alternate) Representative

Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

Chairman Hanley moved the appointment of Mr. Tae Hwan Kim as the Korean Community Representative to the 2001 Citizens Advisory Committee on the Reapportionment of Fairfax County. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

Acting-Chairman McConnell returned the gavel to Chairman Hanley.

(NOTE: Later in the meeting the Board made additional appointments to this Committee. See Clerk's Summary Items CL#38, CL#44, and CL#48.)

26. **INTENT TO DEFER THE PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 95-H-049 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 95-H-066** (Tape 4)

Supervisor Hudgins announced her intent to defer the public hearing on Proffered Condition Amendment Application PCA 95-H-049 and Special Exception Amendment Application SEA 95-H-066, scheduled for later in the afternoon, until 4 p.m. on April 30, 2001.

(NOTE: Later in the meeting the Board formally deferred this public hearing. See Clerk's Summary Item CL#59.)

27. **NEED FOR TRAFFIC SIGNALS** (Tape 4)

Supervisor Hudgins said constituents living near two intersections have contacted her office regarding the need for a traffic signal at both locations.

First, Supervisor Hudgins said in June 2000, her office contacted the Virginia Department of Transportation (VDOT) regarding the need for a traffic signal at the intersection of Monroe Street and Fox Mill Road. VDOT responded by

identifying that there are many unresolved issues surrounding proffers, completion of the construction of Frying Pan Road, easements, and right-of-way. However, it appears that VDOT is no closer to resolving those issues with the County's Department of Transportation (DOT). She said the residents continue to face increased traffic congestion at the intersection.

Second, Supervisor Hudgins said DOT has brought to her attention that funding for a traffic signal at Centreville Road and McNair Farms Drive has been allocated and a warrant study has been completed. However, five years has passed and still the intersection does not have the traffic signal. She said that it is her understanding that VDOT has yet to resolve right-of-way issues.

Therefore, Supervisor Hudgins moved that the Board direct staff to request that VDOT work expeditiously with DOT to resolve the outstanding issues that prevent the installation of the traffic signals at both locations and for DOT to identify funding for the installation of a traffic signal at Monroe Street and Fox Mill Road. Supervisor Bulova seconded the motion.

Chairman Hanley clarified that the County would not be responsible for funding the installation of the traffic signals.

The question was called on the motion and it carried by a vote of nine, Supervisor Hyland being absent.

28. **CO-HOUSING MONTH** (Tape 4)

Supervisor Hudgins said that the Blueberry Hill community, which is located five miles west of Tyson's Corner off Leesburg Pike, is Fairfax County's first co-housing development, and consists of 19 homes clustered on five acres of land adjacent to the Potomac Vegetable Farm.

She said co-housing refers to a community that has been collaboratively planned, designed, and managed by all the people who live there. The goal of co-housing is for residents to gain more interaction with each other. The Blueberry Hill community features a large common house with a community kitchen and dining room to share meals and other activities. All of the houses have front porches and face onto a grassy area. This year the Blueberry Hill community celebrates the completion of its 19 home community.

Therefore, Supervisor Hudgins moved that the Board direct staff to invite representatives from the Blueberry Hill community to appear before the Board to receive a proclamation celebrating the completion of the County's first co-housing development and declare May as "*Co-housing Month*" in Fairfax County. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

29. **REQUEST FOR WAIVER OF THE FEES FOR USE OF SHOWMOBILE FOR THE ANNUAL CEDAR RIDGE FUN DAY** (Tape 4)

Supervisor Hudgins said the Annual Cedar Ridge Fun Day will be held on Saturday, August 11, 2001. She said Reston Interfaith has requested a waiver of the fee for use of the Showmobile for the community fun day.

Therefore, Supervisor Hudgins moved that the Board grant the waiver of the fee for use of the Showmobile by Reston Interfaith, Incorporated, on August 11, 2001. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

30. **ACTION ALERT FROM VIRGINIA ASSOCIATION OF COUNTIES (VACo)** (Tape 4)

Supervisor Hudgins referred to an action alert received from VACo noting that the Senate Health, Education, Labor, and Pension's Committee has a proposed amendment for the programs involved in the Workforce Investment Act funding. She said the funds included elementary and secondary education Pell grants, and early childhood and workforce development. Supervisor Hudgins asked unanimous consent that the Board direct staff to communicate to Senate Warner and Senator Allen the need to support the funding. Without objection, it was so ordered.

PMH:pmh

31. **GOVERNING BOARD OF THE MCLEAN COMMUNITY CENTER** (Tape 5)

(BACs) Supervisor Mendelsohn announced the following candidates for election to the Governing Board of the McLean Community Center:

Adult Candidates:

Drucella Anderson
Holly Harmuth Clement
Nicholas Kalis
Christiane Lourenco

Youth Candidates

Jamie Segal, Langley High School area
Sarah Sulliva, McLean High School area

Supervisor Mendelsohn announced that the election will be held on Saturday, May 19, 2001, from 9 a.m. until 5 p.m. at Lewinsville Park, 1659 Chain Bridge Road.

32. **HUNTER MILL DISTRICT TOWN MEETING** (Tape 5)

Chairman Hanley expressed her appreciation to Supervisor Hudgins for holding the Hunter Mill District Town meeting.

Supervisor Hudgins expressed her appreciation to Chairman Hanley and staff for their participation.

33. **REQUEST FOR WAIVER OF THE FEES FOR USE OF THE SHOWMOBILE** (Tape 5)

Supervisor Kauffman said that the Lee District Park has sponsored an annual Independence Day celebration for more than 26 years. The celebration includes a variety of entertainment, food, community information, and a fireworks show. The event is supported by a dedicated group of volunteers.

Supervisor Kauffman moved that the Board waive the fees associated with the use of the Showmobile for this community event. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

34. **CERTIFICATE OF RECOGNITION FOR MR. MIKE DAVIES** (Tape 5)

Supervisor Kauffman said that Mike Davies who is a former chair of the Central Springfield Area Revitalization Council is retiring from WestGroup at the end of this month. He noted that Mr. Davies has been a key player in the revitalization efforts in central Springfield.

Supervisor Kauffman asked unanimous consent that the Board direct staff to invite Mr. Davies to appear before the Board to receive a Certificate of Recognition for years of service. Without objection, it was so ordered.

35. **REQUEST FOR BOARD SUPPORT OF SENATE AND HOUSE BILLS PROPOSING FORT BELVOIR AS THE SITE FOR THE NATIONAL MUSEUM OF THE UNITED STATES (US) ARMY** (Tape 5)

On behalf of Supervisor Hyland, Supervisor Kauffman noted the effort to bring the National Museum of the US Army to Fort Belvoir.

Supervisor Kauffman referred to the Supervisor Hyland's written Board Matter and moved that the Board:

- Communicate its strong support to bring the National Museum of the US Army to Fort Belvoir in the form of a resolution to the entire Northern Virginia Delegation also urging representatives to contact Federal legislators throughout the Commonwealth to engender their support of S571 and H.R. 1120
- Direct staff to publish a press release encouraging all citizens in Fairfax County to write their US Representatives and Governor Gilmore expressing their support to bring the National Museum of the US Army to Fort Belvoir

Supervisor McConnell seconded the motion and carried by a vote of nine, Supervisor Hyland being absent.

36. **NORTHERN VIRGINIA COMMUNITY COLLEGE (NVCC) CONTRIBUTION** (Tape 5)

Supervisor Bulova said that she received a letter from the president of NVCC regarding an item in the budget which is Fairfax County's contribution of support to NVCC Capital Activity. She said that NVCC is requesting an increase to be phased in.

Supervisor Bulova moved that the Board direct staff to prepare a Consideration Item including options on how to phase in a larger percentage per capita for Fairfax County as well as other localities. Supervisor Frey seconded the motion.

Following discussion, with input from Anthony H. Griffin, County Executive, the question was called on the motion and it carried by a vote of nine, Supervisor Hyland being absent.

37. **REQUEST FOR CONSIDERATION ITEMS REGARDING WOLFTRAP FOUNDATION AND THE SMITHSONIAN NATIONAL AIR AND SPACE MUSEUM** (Tape 5)

Chairman Hanley relinquished the Chair to Acting-Chairman Bulova and moved that the Board direct staff to prepare Consideration Items for the following:

- Wolftrap Foundation - an increase from \$25,000 to \$100,000
- Smithsonian National Air and Space Museum - waiver of the \$349,000 fee for the sewer system

Acting-Chairman Bulova seconded the motion.

Following discussion, the question was called on the motion and it carried by a vote of nine, Supervisor Hyland being absent.

Acting-Chairman Bulova returned the gavel to Chairman Hanley.

38. **ADDITIONAL APPOINTMENTS TO THE 2001 CITIZENS ADVISORY COMMITTEE ON THE REAPPORTIONMENT OF FAIRFAX COUNTY**
(Tape 5)

(APPTS) (NOTE: Earlier in the meeting the Board made appointments to this Committee. See Clerk's Summary Item CL#25.)

Supervisor Connolly moved that the Board confirm the following appointments to the 2001 Citizens Advisory Committee on the Reapportionment of Fairfax County:

- Mr. Vic Dunbar as the NAACP Representative
- Mr. William B. Bailey as the Federation of Citizens Association Representative
- Mr. Gordon Meriwether as the Democratic Committee Representative
- Mr. David M. Guernsey as the Fairfax County Chamber of Commerce Representative

Supervisor Connolly further moved that the Board include representation from Black Women United and he moved that the Board confirm Ms. Sheila Coates as its Representative. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

(NOTE: Later in the meeting the Board made additional appointments to this Committee. See Clerk's Summary Items CL#44 and CL#48.)

39. **FEDERAL APPROPRIATIONS REQUEST BY THE CITY OF ALEXANDRIA** (Tape 5)

Supervisor Connolly said that on Friday, January 19, 2001, the Legislative Committee of the Board discussed a federal appropriations request by the City of Alexandria Sanitation Authority to help fund an upgrade of its facility to satisfy federal requirements for biological nutrient removal (BNR) in the Chesapeake Bay⁷ and its tributaries. To complete the significant upgrade necessary to accomplish this BNR, the Authority is seeking a \$10 million, one-time federal appropriation. Because Fairfax County residents contribute 60 percent of the flow to the Authority and share the Authority's cost accordingly, the County is supporting the funding request to the congressional delegation.

Therefore, Supervisor Connolly moved that the Board direct staff to send a letter to the congressional delegation and subcommittee chairmen in the Senate and House of Representatives, as appropriate. Chairman Hanley seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

40. **SECOND ANNUAL PROVIDENCE DISTRICT ENVIRONMENTAL WORKSHOP** (Tape 5)

Supervisor Connolly said the Second Annual Providence District Environmental Workshop at Luther Jackson Middle School was held on Saturday. This practical, information-packed event is an initiative of his office and has become very popular with citizens who are trying to do their part in their own homes, backyards, and communities to improve the environment.

Supervisor Connolly expressed his appreciation to Fairfax County Environmental Coordinator Kambiz Agazi; the following staff from the Department of Public Works and Environmental Services - Maria Oropallo, Matt Handy, Shannon Curtis, and Dave Brown, and Keith Cline and Nick Nies from the Urban Forestry Branch; Judy Okay from the Virginia Department of Forestry; Pat Petro from the County Health Department; Earl Hodnett, the County's Wildlife Biologist; Todd Bolton from the Park Authority; Master Gardener Beth Wattley, and the many representatives of other organizations who brought displays and literature and ran workshops.

Supervisor Connolly also expressed appreciation to Kevin Warhurst of Merrifield Garden Center who donated bagels and coffee.

41. **USE OF NATIVE PLANTS BY LAND DEVELOPERS** (Tape 5)

Supervisor Connolly said one of the many discussions that took place at Saturday's Second Annual Providence District Environmental Workshop centered around the question of why some developers continue to use tree species such as Bradford Plum, White Silver Maples, and other non-native species that have such a poor record for survival in the area. In conversations with his representative on the Tree Commission and the urban foresters it was clear that the County can do more to require the use of native species in rezonings and other projects. Where Virginia Law limits what the County can require, there may be opportunities for legislative initiatives.

Therefore, Supervisor Connolly asked unanimous consent that the Board direct the County Executive to:

- Explore what authority the County has to require the use of certain trees, particularly native species, in rezonings and other projects.
- Report with recommendations on any legislative or other actions that could be taken to encourage this practice and thereby aid in the reforestation of developing properties around Fairfax County.

Without objection, it was so ordered.

42. **SCHEDULING AND CONCURRENT PROCESSING OF SITE PLANS FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-P-078-11, INOVA HEALTH CARE SERVICES** (Tape 5)

Supervisor Connolly said that Inova Health Care Services has filed Special Exception Amendment Application SEA 80-P-078-11. The primary purpose of this application is to provide for the relocation of the existing helipad at the hospital. The relocation of the helipad is due to mandated Federal Aviation Administration requirements. Unfortunately, the removal of trees will also be necessary. The new location of the helipad will provide for more efficient emergency department operations and will result in safer circumstances from an air traffic perspective. The necessity for the relocated helipad was determined with the final design of the emergency department expansion that was approved by the Board on November 20, 2000. As the Board is aware, Inova faces significant capacity constraints, which manifest the need for the emergency department expansion. To meet its construction schedule for the expansion, Inova has requested scheduling of a Board public hearing date and concurrent processing of the site plans with this request.

Supervisor Connolly moved that the Board direct staff to:

- Schedule a public hearing to be held before the Board immediately following the Planning Commission public hearing before the summer recess.
- Concurrently process the site plans with the building plans and permits for the Inova Health Care Services Special Exception Amendment Application SEA 80-P-078-11.

This action does not prejudice the consideration of this review in any way. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

NV:nv

43. **CONCURRENT PROCESSING FOR FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION FDPA 82-P-069-10-3, PEC SOLUTIONS AT FAIR LAKES** (Tape 6)

Supervisor Frey stated that a final development plan amendment application has been submitted for Land Bay V-A of Fair Lakes to permit construction of a new office building and parking lot modifications. The proposal is in accordance with the approved proffers and conceptual development plan. The applicant has requested the Board to authorize concurrent processing of the site plan with the final development plan amendment application to try to meet the schedule for occupancy.

Accordingly, Supervisor Frey moved that the Board direct the staff of the Department of Public Works and Environmental Services to process the site plan concurrently with the consideration of Final Development Plan Amendment Application FDPA 82-P-069-10-3. He noted that the applicants understand that this motion will not prejudice the consideration of this application in any way. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

44. **SULLY DISTRICT APPOINTMENTS** (Tape 6)

(APPT) (NOTE: Earlier in the meeting the Board made additional appointments to the 2001 Citizens Advisory Committee on the Reapportionment of Fairfax County. See Clerk's Summary Items CL#25 and CL#38.)

Supervisor Frey moved the following appointments:

- Mr. Scott MacDonald as the Sully District Representative to the Sign Committee
- Mr. Stephen Danzig as the Sully District Representative to the 2001 Citizens Advisory Committee on the Reapportionment of Fairfax County

Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

(NOTE: Later in the meeting the Board made additional appointments to this Committee. See Clerk's Summary Item CL#48.)

45. **ROUTE 28 HIGHWAY TRANSPORTATION DISTRICT ADVISORY BOARD** (Tape 6)

(APPT) Supervisor Frey moved the appointment of Mr. Jon Peterson as a Resident/Owner Route 28 District Representative to the Route 28 Highway Transportation District Advisory Board. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

Supervisor Mendelsohn moved that the Board direct staff to add a Budget Consideration Item in the amount of \$20,000 for consultants for the Route 28 Highway Transportation District Advisory Board.

Following discussion, with input from David P. Bobzien, County Attorney, Supervisor Mendelsohn amended his motion to provide funding for the County to engage in public contracting with the consultants directly. The second to this motion was inaudible.

Following further discussion, the question was called on the motion, as amended, which carried by a vote of nine, Supervisor Hyland being absent.

46. **FRIENDS OF GEORGE MASON REGIONAL LIBRARY BOOK SALE**
(Tape 6)

Supervisor Gross announced that the Friends of George Mason Regional Library will hold its popular semi-annual used book sale April 26-20, 2001. The sale will be held at the library, which is located at 7001 Little River Turnpike in Annandale. The hours are:

Thursday, April 26, 5 - 9 p.m.

Friday, April 27, 10 a.m. - 6 p.m.

Saturday, April 28, 10 a.m. - 5 p.m.

Sunday, April 29, 12 noon - 5 p.m.

Supervisor Gross noted that the proceeds from the sale benefit libraries across the County.

47. **RECOGNITION OF THE NORTHERN VIRGINIA DENTAL CLINIC**
(Tape 6)

Supervisor Gross moved that the Board direct staff to invite Dr. Wilson and the staff from the Northern Virginia Dental Clinic to appear before the Board to be recognized for outstanding work over the last ten years. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

48. **ADDITIONAL APPOINTMENTS TO THE 2001 CITIZENS ADVISORY COMMITTEE ON THE REAPPORTIONMENT OF FAIRFAX COUNTY**
(Tape 6)

(APPTS) (NOTE: Earlier in the meeting, the Board made appointments to the 2001 Citizens Advisory Committee on the Reapportionment of Fairfax County. See Clerk's Summary Items CL#25, CL#38, and CL#44.)

Supervisor Gross moved the appointment of Mr. Toa Q. Do as the Vietnamese Community Representative to the 2001 Citizens Advisory Committee on the Reapportionment of Fairfax County. Supervisor Bulova and Supervisor Connolly jointly seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

Supervisor Gross moved the appointment of Ms. Clara Pizaña as the Hispanic Community Representative to the 2001 Citizens Advisory Committee on the Reapportionment of Fairfax County. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

49. **NO BOARD MATTERS FOR SPRINGFIELD DISTRICT SUPERVISOR ELAINE McCONNELL** (Tape 6)

Supervisor McConnell announced that she had no Board Matters to present today.

50. **CLOSED SESSION** (Tape 6)

At 11:25 a.m., Supervisor Connolly moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-344 and listed in the agenda for this meeting and in addition:

- *Howard S. Schwartz versus the Board of Supervisors*, Record Number 002736
- *Layng and Company Greenhouses versus Jane Gwinn, et al.*, In Chancery Number 162042
- Agreement with the Water Authority Regarding Proposed Small District Three within Springfield District
- Proffers Under *Virginia Code* 15.2-2303
- *Jane W. Gwinn, Fairfax County Zoning Administrator versus John Thoburn, et al.*, In Chancery Numbers 161908 and 163450
- Proposed Revisions to the 400-Foot Rule Regarding Approved Sewer Service Areas
- Tax System Modernization Project, Contract Number RQ-96-0011716
- Request for Expansion of the Approved Sewer Service Area to Serve Tax Map Parcels 67-1 (1) 36
- Madison Residential Permit Parking District Number 11

Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

Chairman Hanley announced that closed session would convene at 12:30 p.m.

DMB:dmb

At 3 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Hyland, and with Chairman Hanley presiding.

ACTIONS FROM CLOSED SESSION**51. CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION (Tape 7)**

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Kauffman being out of the room, Supervisor Hyland being absent.

52. COUNTY'S 400-FOOT RULE SEWER POLICY (Tape 7)

Supervisor Frey said that for many years the 400-foot rule has been part of the County's sewer policy, which allows, in many areas, sewer line extensions across the surface drainage divide of an approved sewer service area as long as the extension of the sewer line meets three conditions:

- The sewer line extension cannot exceed 400 feet.
- The extension cannot have a manhole depth greater than 12 feet.
- The extension of the sewer line must be a gravity line.

Supervisor Frey said that there is a circumstance in Sully District that involves a new home with a failing septic system in an area adjacent to the approved sewer service area. The property owner in this instance would be able to carry out an extension of the sewer line under the existing 400-foot rule except for the fact that the topography in the area does not allow a gravity sewer line. Supervisor Frey said that he believes that the 400-foot rule should be amended to allow the use of a sewer pump on the property of an existing home with a failing septic system rather than being limited to a gravity line under the current rule.

Therefore, Supervisor Frey moved that the Board direct staff from the Department of Public Works and Environmental Services to prepare a Board item for the meeting on April 30, 2001, to amend the 400-foot rule to allow sewer pumps when they are used to connect to the public sewer an existing home with a failing septic system. Supervisor Kauffman seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

SBE:sbe

53. **3 P.M. – PH ON REZONING APPLICATION RZ 1999-MA-051 AND SPECIAL EXCEPTION APPLICATION SE 99-M-038 (LEEWOOD INVESTMENTS AND ASSOCIATES LLC) (MASON DISTRICT)**
(Tapes 8-9)

(O) Ms. Elizabeth D. Baker reaffirmed the validity of the affidavit for the record.

Ms. Baker had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, which included testimony by 16 speakers, Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Discussion ensued with input from Ms. Baker, and Van Hendry, Administrator of Leewood Investments and Associates LLC.

Supervisor Gross moved to defer decision on Rezoning Application RZ 1999-MA-051 and Special Exception Application SE 99-M-038 until **April 30, 2001, at 4:30 p.m.** Supervisor Frey seconded the motion, which carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor McConnell being out of the room, Supervisor Hyland being absent.

Supervisor Bulova asked unanimous consent that the Board direct staff to provide the Board with as much information as possible from the ombudsman, Health Department, and other regulatory agencies that have examined reports and issues that were raised by families of the nursing home residents who have experienced problems. Without objection, it was so ordered.

54. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-P-069-10 (COXCOM, INCORPORATED D/B/A COX COMMUNICATIONS OF NORTHERN VIRGINIA) (SULLY DISTRICT)** (Tape 9)

Ms. Inda E. Stagg reaffirmed the validity of the affidavit for the record.

Ms. Stagg had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, Amy Parker, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved:

- Approval of Proffered Condition Amendment Application PCA 82-P-069-10 subject to the proffers dated February 13, 2001.
- Modification of the transitional screening and a waiver of the barrier requirements in favor of the treatment shown on the Final Development Plan Amendment, FDPA.

Supervisor Connolly seconded the motion and it carried by a vote of six, Supervisor Gross, Supervisor Kauffman, and Supervisor McConnell being out of the room, Supervisor Hyland being absent.

55. **ORDERS OF THE DAY** (Tape 9)

Chairman Hanley stated that there would be a change in the Orders of the Day and that the Board would proceed with the two land-use cases before the hearing on the effective tax rate.

56. **3:30 P.M. ON REZONING APPLICATION RZ 2000-DR-053 (MHI-LAUGHLIN AVENUE VENTURE LLC) (DRANESVILLE DISTRICT)** (Tape 9)

(O) Ms. Elizabeth D. Baker reaffirmed the validity of the affidavit for the record.

Ms. Baker had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, which included testimony by three speakers, Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Mendelsohn moved:

- Amendment of the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 2000-DR-053, from the R-4, CRD, HC, and SC Districts to the PDC, CRD, HC, and SC Districts, subject to the proffers dated March 21, 2001.
- Approval of the Conceptual Development Plan subject to the following condition:
 - In accordance with the recommendations of the Comprehensive Plan for the McLean Central

Business Center and as part of the redevelopment of the property, the existing overhead utility lines along both sides of Emerson Avenue and Laughlin Avenue shall be placed underground for the length of the application property and the area of the off-site improvement to Laughlin Avenue at the intersection with Chain Bridge Road.

- Approval of a requested modification to allow in excess of 50 percent of the gross floor area to be devoted to residential use and approval of the requested modification to the peripheral parking lot landscaping.
- Modification of a loading space so that development can be served by three loading docks.

Supervisor Frey seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Connolly and Supervisor McConnell being out of the room, Supervisor Hyland being absent.

57. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2000-SU-054 (ROCKLAND VILLAGE, LC) (SULLY DISTRICT)** (Tape 9)

(O) Mr. Keith C. Martin reaffirmed the validity of the affidavit for the record.

Mr. Martin had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, William Mayland, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved:

- Amendment of the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 2000-SU-054, and the Conceptual Development Plan from the R-1 and WS Districts to the PDH-8 and WS Districts, subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report dated February 22, 2001.
- Approval of a variance of the minimum district size of two acres for the PDH District to provide 21,806 square feet.

- Approval of a variance of the 25 percent open space requirement for the PDH-8 District to provide zero percent open space.

Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Connolly being out of the room, Supervisor Hyland being absent.

58. **4 P.M. – PH ON REZONING APPLICATION RZ 2000-SU-021 (EQUITY HOMES, LP) (SULLY DISTRICT)** (Tape 9)

Supervisor Frey moved to defer the public hearing on Rezoning Application RZ 2000-SU-021 until **April 30, 2001, at 4:30 p.m.** Supervisor Bulova and Supervisor McConnell jointly seconded the motion and it carried by a vote of eight, Supervisor Connolly being out of the room, Supervisor Hyland being absent.

59. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 95-H-049 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 95-H-066 (TOSCO REFINING LP) (HUNTER MILL DISTRICT)** (Tape 9)

Supervisor Hudgins moved to defer the public hearing on Proffered Condition Amendment Application PCA 95-H-049 and Special Exception Amendment Application SEA 95-H-066 until **April 30, 2001, at 4 p.m.** Supervisor Frey seconded the motion and it carried by a vote of eight, Supervisor Connolly being out of the room, Supervisor Hyland being absent.

ADDITIONAL ACTIONS FROM CLOSED SESSION

60. **AUTHORIZATION TO EXECUTE THE FOURTH AMENDMENT TO THE REAL ESTATE SALES AGREEMENT (EAST PARCEL)** (Tape 9)

Supervisor Frey moved that the Board authorize the County Executive to execute the Fourth Amendment to the Real Estate Sales Agreement (East Parcel), dated December 18, 2000, as amended by First Amendment on January 22, 2001, Second Amendment on March 7, 2001, and Third Amendment on March 19, 2001, with Koll Metropolitan, LLC. Supervisor Bulova and Supervisor Hudgins jointly seconded the motion, which carried by a vote of eight, Supervisor Connolly being out of the room, Supervisor Hyland being absent.

61. **AUTHORIZATION TO EXECUTE THE FOURTH AMENDMENT TO THE REAL ESTATE SALES AGREEMENT (WEST PARCEL)** (Tape 9)

Supervisor Frey moved that the Board authorize the County Executive to execute the Fourth Amendment to the Real Estate Sales Agreement (West Parcel), dated

December 18, 2000, as amended by the First Amendment on January 22, 2001, Second Amendment on March 7, 2001, and Third Amendment on March 19, 2001, with Koll Metropolitan, LLC. Supervisor McConnell seconded the motion, which carried by a vote of eight, Supervisor Connolly being out of the room, Supervisor Hyland being absent.

62. **3:30 P.M. – PH ON THE FISCAL YEAR (FY) 2002 EFFECTIVE TAX RATE INCREASE** (Tapes 9-12)

A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issue of March 19, 2001.

Following the public hearing, which included testimony by 43 speakers, Supervisor Bulova moved that the Board defer decision on the public hearing on the FY 2002 effective tax rate increase until after the conclusion of the public hearing, that the Board will begin today, which will put the Board in a position of acting on the tax rate as required by Virginia law, after the Board gains a better understanding of the needs and interests of the community. Supervisor Connolly seconded the motion which carried by a vote of eight, Supervisor Gross being out of the room Supervisor Hyland being absent.

(NOTE: Later in the meeting the Board began the public hearing on the FY 2002 Budget. See Clerk's Summary Item CL#62.)

63. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL), ARTICLE 10, REGARDING SEWER SERVICE CHARGES AND THE AVAILABILITY FEES** (Tape 12)

(O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 8 and March 15, 2001.

Following the public hearing, Supervisor Bulova moved to defer decision on the proposed amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposal) to revise sewer services charges and availability fees until **April 30, 2001**. Supervisor McConnell seconded the motion which carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Hudgins, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Gross, Supervisor Kauffman, and Supervisor Mendelsohn being out of the room, Supervisor Hyland being absent.

64. **3:30 P.M. ON REZONING APPLICATION RZ 2000-DR-053 (MHI-LAUGHLIN AVENUE VENTURE LLC) (DRANESVILLE DISTRICT)** (No Tape)

(NOTE: Earlier in the meeting action was taken on this application. See Clerk's Summary Item CL#56.)

65. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2000-SU-054 (ROCKLAND VILLAGE, LC) (SULLY DISTRICT)** (No Tape)

(NOTE: Earlier in the meeting action was taken on this application. See Clerk's Summary Item CL#57.)

66. **4 P.M. – PH ON REZONING APPLICATION RZ 2000-MD-048 (PULTE HOME CORPORATION) (SULLY AND SPRINGFIELD DISTRICTS)** (Tape 12)

- (O) Ms. Inda Stagg reaffirmed the validity of the affidavit for the record.

Ms. Stagg had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Supervisor Frey disclosed the following campaign contribution which he had received:

- In excess of \$200 from Pulte Home Corporation

Following the public hearing, William Mayland, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved that the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2000-MD-048, be amended from the R-C, R-1 and WS Districts to the PDH-2, RC, and WS Districts, and the conceptual and generalized development plans, subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report as amended by the applicant on March 23, 2001. Supervisor McConnell seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Gross, Supervisor Hudgins, and Supervisor Mendelsohn being out of the room, Supervisor Hyland being absent.

67. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 95-H-049 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 95-H-066 (TOSCO REFINING LP) (HUNTER MILL DISTRICT)** (No Tape)

(NOTE: Earlier in the meeting this public hearing was deferred. See Clerk's Summary Item CL#59.)

68. **4 P.M. – PH ON REZONING APPLICATION RZ 2000-SU-021 (EQUITY HOMES, LP) (SULLY DISTRICT)** (No Tape)

(NOTE: Earlier in the meeting this public hearing was deferred. See Clerk's Summary Item CL#58.)

69. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), ARTICLE 7.2 (BUSINESS, PROFESSIONAL, AND OCCUPATIONAL LICENSE TAX)** (Tape 12)

- (O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 15 and March 22, 2001.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Article 7.2, Section 7.2-1(b)3(a) to add persons engaged in the business of leasing flight simulation, or providing flight simulation training. Supervisor Connolly seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Kauffman, Supervisor McConnell and Chairman Hanley voting "AYE," Supervisor Gross, Supervisor Hudgins, and Supervisor Mendelsohn being out of the room, Supervisor Hyland being absent.

DS:ds

70. **7:30 P.M. – PH ON THE COUNTY EXECUTIVE'S PROPOSED FISCAL YEAR (FY) 2002 ADVERTISED BUDGET PLAN, THE CAPITAL IMPROVEMENT PROGRAM FOR THE FISCAL YEARS 2002 - 2006 (WITH FUTURE YEARS THROUGH 2009), AND THE CURRENT APPROPRIATION LEVEL IN THE FY 2001 REVISED BUDGET PLAN** (Tapes 13-16)

A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issue of March 19, 2001.

ADDITIONAL BOARD MATTERS

Welcome to Boy Scouts Troop 1853 from West Springfield (Tape 13)

Following the testimony of Mr. Richard Baumgartner (Speaker 7), Chairman Hanley recognized the presence of Boy Scout Troop 1853, from West Springfield, and warmly welcome them to the Board Auditorium.

Donation Received from Mr. Neal McBride (Tape 16)

Following the testimony of Mr. Neal McBride (Speaker 52) who donated \$50 to the Public School System operating account, Chairman Hanley relinquished the donation to Edward L. Long, Jr., Chief Financial Officer.

The public hearing was held with testimony presented by 53 speakers.

The decision on the adoption of the *FY 2002 Advertised Budget Plan* is scheduled for April 30, 2001.

71. **BOARD RECESS** (Tape 16)

At 11:05 p.m., the Board recessed until April 3, 2001, at 6:30 p.m., at which time there will be a budget hearing presentation by the School Board, followed by the continuation of the public hearings regarding:

- The proposed adoption of the County Executive's Fiscal Year (FY) 2002 Advertised Budget Plan
- The Capital Improvement Program for FY 2002 - 2006 (with future years through 2009)
- The current appropriation level in the FY 2001 Revised Budget Plan

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